

REMARKS

Applicants wish to thank the Examiner for the attention accorded to the instant application.

Claims 1-13 are pending in the application. Applicants have amended claims 1 and 3. Applicants have added claims 14-24.

I. Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,440,405 to Ahmed (“Ahmed”). The Examiner asserts that Ahmed discloses all of the limitations of claim 1.

Applicants have amended claim 1 to more particularly point out and distinctly claim the subject matter regarded as the invention. The present invention, as recited in amended claim 1, is directed to a facsimile communication method based on the ITU T-30 standard. Specifically, for cases in which facsimile communication is non-standard – that is, facsimile communication through a turn back use of the trunk circuit (See Specification page 4, lines 10-19), the T-30 standard for such a case may cause undue delay due to erroneous retransmission of control signals. The proposed solution, according to recited claim 1, includes adding independent transmission procedure capability information to the NSF and the NSS; transmitting said NSS including said independent transmission procedure capability information in the case when said NSF including said independent transmission procedure capability information is detected by a transmission side; deleting said independent transmission procedure capability information after receiving said NSS; and implementing an independent transmission procedure between both transmission and reception sides after detecting said NSS by the reception side.

The possibility of a breakdown in communication is avoided by the addition of transmission procedure capability information which is recognized at the source and receiving terminal.

By contrast, Ahmed teaches a system for error correction for facsimile communication over an asynchronous communication protocol. The Examiner asserts that negotiation information is analogous to the independent transmission procedure capability information of the present invention. However, Ahmed's negotiation information is used for error correction (See Ahmed, column 10, lines 19-53) and must be received and retransmitted constantly to ensure proper reception. Such reception and retransmission is not required by the present invention. Additionally, Ahmed's negotiation information is kept at the reception side to further negotiate the communication protocol over a packet switched network. The present invention does not require that the independent transmission procedure capability information be kept, and in fact, is deleted at the reception side.

Since the cited reference does not disclose each and every limitation recited in amended claim 1, Applicants submit that independent claim 1 is allowable over the cited reference. Early notice to that effect is earnestly solicited.

II. Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claim 2 as being unpatentable over Ahmed in view of U.S. Patent No. 5,877,870 to Sakai ("Sakai"). The Examiner asserts that Ahmed discloses all of the essential limitations of claim 2 except that Sakai teaches that the time for delivering preamble signals is reduced.

Applicants have amended independent claim 1 to more particularly point out and distinctly claim the subject matter regarded as the invention. In particular, claim 1 has been

amended to recite the step of deleting the independent transmission procedure capability after receiving the NSS.

The present invention, as recited in claim 1, is directed to a facsimile communication method based on the ITU T-30 standard. Specifically, for cases in which facsimile communication is non-standard – that is, facsimile communication through a turn back use of the trunk circuit (See Specification page 4, lines 10-19). The T-30 standard for such a case may cause undue delay due to erroneous retransmission of control signals.

The Examiner's cited base reference, Ahmed, is fundamentally different. Ahmed is directed to a system for error correction for facsimile communication over an asynchronous communication protocol. Ahmed does not address facsimile communication over a general switched telephone network (such as ITU T-30 standard). Ahmed also teaches negotiation information encoded onto every packet and the need for constant retransmission of each packet for error correction purposes. Such retransmission is not needed in the present invention.

Sakai does not overcome the shortcomings of the Ahmed reference. Sakai is directed to an image transmission control method to speed up facsimile transmission. Sakai, in fact, teaches that facsimile signals, such as NSS and NSF, will have shorter preamble signals to speed up transmission. Such shorter preamble signals would not allow signals to be appended such as provided for by the present invention. Applicants submit that Sakai actually teaches away from the present invention. See MPEP 2141.02.

There is no *prima facie* case of obviousness. Even if the combination were proper, the proposed combination of Ahmed and Sakai is not the same as the claimed invention.

Therefore, Applicants respectfully submit that a combination of Ahmed and Sakai does not teach or suggest every claimed feature of the invention. The prior art reference (or

references) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991). Since a *prima facie* case of obviousness has not been set forth, Applicants respectfully submit that claim 1 is allowable over the cited references. Claim 2, which depends from claim 1, is similarly allowable.

III. Allowable Subject Matter

The Examiner has indicated that claims 3-13 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim.

Applicants wish to thank the Examiner for the indication of allowable subject matter. Applicants herewith submit claims 14-24 which are original claims 3-13 rewritten in independent form including all of the limitations of the base claim and any intervening claims.


IV. Claim Objection

The Examiner has requested correction of a typo in claim 3. Applicants have corrected the typo by means of an amendment to claim 3.

V. Conclusion

For the foregoing reasons, Applicants respectfully submit that all pending claims 1-24 are now in condition for allowance. Early notice to that effect is earnestly solicited.

Respectfully submitted,


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